



WEB COPY

WP No. 11067 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 11067 of 2026

M/s.G.N.Impex,
Room No.20, Building No.5,
Co-operative Housing Society, Rahnal Village,
Bhiwandi – 431 302, Maharashtra
Represented by its Proprietor,
Mr.Anil Niran Jha.

..Petitioner

Vs

1. The Additional Commissioner of Customs,
(Preventive)
O/o.The Principal Commissioner of
Customs (Preventive),
Chennai III Preventive Commissionerate,
No.60 Rajaji Salai, Customs House,
Chennai 600001.
2. The Deputy Director (CI),
DRI, Headquarters, Directorate of Revenue
Intelligence,
Plot No.11-B, Institutional Area,
Vasanth Kunj, New Delhi 110070.
3. The Inquiry Officer / SIO
Directorate of Revenue Intelligence (DRI),
7th Floor, Drum Shaped Building, I.P.Bhawan,
I.P.Estate, New Delhi 110002.

..Respondents



Prayer: Writ of Mandamus for a direction to respondents herein to consider case of petitioner and to permit re-test of goods under import, covered under Bill of Entry No.7652472 dated 07.01.2025 to jurisdictional, Regional Testing Centre, viz. Textiles Committee Govt. of India, Mylapore, Chennai being the Regional Apex Body for testing of such goods (fabrics) and by also considering representation of petitioner dated 12.02.2026 seeking re-testing of imported goods.

For Petitioner : S.Baskaran

For Respondents: Mr.Pragadish
Senior Standing Counsel for R1

Mr.Santhanaraman
Standing Counsel
for R2 and R3

ORDER

This writ petition has been filed for a direction to respondents to permit re-test of goods, under import covered under Bill of Entry No.7652472 dated 07.01.2025 to jurisdictional, Regional Testing Centre, viz. Textiles Committee Govt. of India, Mylapore, Chennai being the Regional Apex Body for testing of such goods (fabrics) and by also considering representation of petitioner dated 12.02.2026 seeking re-testing of imported goods.

2. It was submitted that petitioner is a proprietorship concern, engaged in business of import and trading of PVC coated fabrics. During the course of



business, he imported a consignment of PVC coated fabric from China. The said consignment was moved to warehouse of SEZ unit viz., M/s.JBEL Logistics (India) Pvt. Ltd., inside M/s.NDR Infrastructure Pvt. Ltd., Ponneri Taluk, Chennai. Bill of entry was assessed under Risk Management Strategy (RMS). Later, DRI, Delhi had taken up investigation and pending investigation, this Court directed release of goods for re-export.

3. During investigation, samples were drawn by DRI and tested at CRCL, New Delhi, instead of Regional Apex Body viz., Textiles Committee, Chennai. Based on test report dated 25.04.2025, it was found that classification of goods by petitioner under CTH 59039090 was a misclassification. According to Department, as per CRCL report, goods are classifiable under CTH 54076900. Hence, petitioner filed writ petitions in W.P.No.45486 of 2025 before this Court seeking re-export. This Court, by order dated 21.11.2025 disposed of writ petitions on the following terms:

“(i) The petitioner shall execute a bond for the total value of the differential duty payable by them;

ii) the petitioner shall furnish a bank guarantee equivalent to 20% of the redetermined value; and

iii) On the petitioner fulfilling the above two conditions, they shall be permitted to re export the goods within a period of twelve (12) days from the date of compliance of the above conditions as imposed by this Court.”



4. It is stated that petitioner made several representations including one dated 12.02.2026 seeking re-test of goods. The present writ petition has been filed inasmuch the above representation has not been acted upon.

5. Learned counsel for petitioner would submit that while considering the above representation regard must be had to Circulars which governs re-testing including Circulars dated 15.03.2004 and 18.07.2017 etc. He further submitted that as a matter of fact, insofar as hazardous waste dyes used in the textile fabric, it is only the Textile Committee at Chennai, which has requisite facility/infrastructure to carry out appropriate test. The CRCL, Delhi and other laboratories only has facilities for carrying out a test relating to composition. That may also be considered while disposing of petitioner's representation.

6. Learned Standing Counsel for respondents would submit that they would consider the above request and pass appropriate orders after affording petitioner an opportunity of hearing.

7. Heard the counsels and perused the materials available on record.

8. In that view of the matter, this Court is inclined to dispose of writ petition with following directions:

i) The above representation dated 12.02.2026 shall be considered by



appropriate respondent and appropriate orders shall be passed, after affording petitioner an opportunity of hearing, within a period of two weeks from the date of receipt of a copy of this order. Petitioner shall appear before concerned respondent on 30.03.2026.

ii) It is open to petitioner to rely upon any judgment or circulars dealing with petitioner's right to have re-testing, which would be considered while passing the orders.

iii) In view of the admitted position that the test report will have a material bearing on the adjudication, it is only appropriate that status quo be maintained with regard to adjudication proceedings until the above request is considered and appropriate orders passed.

iv) It is made clear that this Court has not expressed anything on merits.

9 . Accordingly, the writ petition stands disposed of. There will be no order as to costs.

24-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MRN



To

1. The Additional Commissioner of Customs (Preventive),
O/o. The Principal Commissioner of Customs (Preventive),
Chennai III Preventive Commissionerate,
No.60, Rajaji Salai, Customs house,
Chennai-600 001.
2. The Deputy Director (CI)
DRI, Headquarters, Directorate of Revenue Intelligence,
Plot No.11-B, Institutional Area,
Vasant Kunj, New Delhi -110 070.
3. The Inquiry Officer/SIO,
Directorate of Revenue Intelligence (DRI),
7th floor, Drum shaped building,
I.P. Bhawan, I.P. Estate,
New Delhi-110002.



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MOHAMMED SHAFFIQ, J.

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